

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:)	Case No. 19-70338-JAD
)	
ADAM B. CLARK and MELODY S.)	
CLARK,)	Chapter 13
)	
Debtors.)	
)	
)	Doc. No.
)	
)	Related Doc. No. 2
)	
)	
	X	

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

I. PLAN CONFIRMATION:

IT IS HEREBY ORDERED that the Chapter 13 Plan dated **June 5, 2019 (ECF No. 2, the “Plan”)** is **CONFIRMED AS MODIFIED HEREIN**, at the Plan confirmation hearing held on **January 10, 2020**. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. Only those provisions which are checked below apply to this case:

XX A. For the remainder of the Plan term, the periodic Plan payment is amended to be **\$1,115.00 as of January 20, 2020**. Debtor(s) counsel shall file a motion to amend the income attachment order within five (5) days of the date of this Order, if any.

☐ **B.** The length of the Plan is increased to a total of ___ months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.

☐ **C.** Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees.

☐ **D.** Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under 11 U.S.C. § 506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. § 507, and all objections to claims.

☐ **E.** The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.

☐ **F.** _____ shall be paid monthly payments of \$ _____ beginning with the Trustee's _____ distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.

XX G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim:

1. Decatur Township EIT (Claim #11)
2. Pennsylvania Department of Revenue (Claim #1)
3. Phillipsburg- Osceola Area School District (Claim 10)
4. U.S. Bank National Association, as Trustee for Lehman ABS Manufactured Housing Contract Trust 2002-A, (Ditech Financial LLC as Servicer) (Claim 8) with payment changes implemented.

XX H. Additional terms:

1. The Claim of Wilmington Savings (Claim #5) shall govern as to amount paid in full at modified plan terms.

II. IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan: Pursuant to Fed.R. Bankr. P. 2002(b), this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this Confirmation Order upon its entry.

B. Applications to Retain Brokers, Sales Agents, or Other Professionals.

If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Debtor(s) counsel or (Debtor(s), if not represented by counsel), must review all proofs of claim within thirty (30) days after the claims bar date. All objections to pre-petition claims shall be filed within ninety (90) days after the claims bar date, thereafter allowing at least thirty (30) days for a response.

D. Motions or Complaints Pursuant to §§ 506, 507 or 522. All actions to determine the priority, avoidability or extent of liens, all actions pursuant to *11 U.S.C. §§ 506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within ten (10) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the Plan. Debtor(s) also shall file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claims as filed causes the Plan to be underfunded.

III. IT IS FURTHER ORDERED THAT:

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to 11 U.S.C. § 1322(b)(2), nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on Debtor(s) or counsel for Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payment shall notify Trustee, Debtor(s) Counsel, and Debtor(s) at least twenty (20) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with W.PA.LBR 2016-1 before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a ***Certificate of Default and Request for Dismissal of the Case*** in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an ***Affidavit of Default*** by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any secured claim that is secured by the subject property, unless directed otherwise by further Order of Court.

BY THE COURT,

A handwritten signature in black ink, appearing to read "JAD", is written over a horizontal line. To the right of the signature, the letters "sjk" are printed.

JEFFERY A. DELLER

United States Bankruptcy Judge

Dated: January 13, 2020

cc: All Parties In Interest to be served by Clerk in 7 days from the date of this Order.

FILED
1/13/20 11:23 am
CLERK
U.S. BANKRUPTCY
COURT - WDPA

Certificate of Notice Page 5 of 6
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Adam B Clark
 Melody S Clark
 Debtors

Case No. 19-70338-JAD
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-7

User: llea
 Form ID: pdf900

Page 1 of 2
 Total Noticed: 38

Date Rcvd: Jan 13, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 15, 2020.

db/jdb
 cr
 +Adam B Clark, Melody S Clark, 760 Red Schoolhouse Road, Osceola Mills, PA 16666-8607
 +Ditech Financial LLC, RAS Citron, LLC, 130 Clinton Road, Suite 202, Fairfield, NJ 07004-2927
 15064727 +Advanced Disposal, P.O. Box 25084, Lehigh Valley, PA 18002-5084
 15064728 +AmServ Limited, Billing Office, P.O. Box 726, New Cumberland, PA 17070-0726
 15064729 +Apex Asset, 2501 Oregon Pike, Lancaster, PA 17601-4890
 15064730 +Children's Hospital of Pittsburgh, One Children's Hospital Drive, 4401 Penn Avenue, Pittsburgh, PA 15224-1342
 15064731 +Citizens One Auto Finance, P.O. Box 7000, Providence, RI 02940-7000
 15064732 +Commercial Acceptance, 2300 Gettysburg Rd, Camp Hill, PA 17011-7303
 15064734 +Cr Control C, 2410 Broad Ave, Altoona, PA 16601-1940
 15118353 +Decatur Township, c/o Keystone Collections Group, 546 Wendel Road, Irwin, PA 15642-7539
 15064738 +Keystone Col, 220 North Duke Str, Lancaster, PA 17602-2710
 15064739 +Keystone Collections Group, P.O. Box 499, Irwin, PA 15642-0499
 15064740 Mount Nittany Physician Group, P.O. Box 6005, Hermitage, PA 16148-1005
 15064743 +Penn Highlands Medical Group, 100 Hospital Avenue, Du Bois, PA 15801-1440
 15064744 +Penn Highlands Physician Network, 1605 N. Cedar Crest Blvd. Suite 110B, Allentown, PA 18104-2351
 15118350 +Phillipsburg-Osceola Area School District, c/o Keystone Collections Group, 546 Wendel Road, Irwin, PA 15642-7539
 15064746 +Specialized Loan Servi, 8742 Lucent Blvd, Highlands Ranch, CO 80129-2386
 15064747 +Transworld Systems, Inc., 300 Cedar Ridge Drive, Suite 307, Pittsburgh, PA 15205-1159
 15064748 +Tyrone Hospital, Attn: Billing, 187 Hospital Drive, Tyrone, PA 16686-1898
 15104371 U.S. Bank National Association, as Trustee, for Le, c/o Ditech Financial LLC, Po Box 12740, Tempe, AZ 85284-0046
 15096819 UPMC Health Services, PO Box 1123, Minneapolis MN 55440-1123
 15090667 +Wilmington Savings Fund Society,, FSB Trustee (See 410), c/o Specialized Loan Servicing LLC, 8742 Lucent Blvd, Suite 300, Highlands Ranch, Colorado 80129-2386

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr
 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jan 14 2020 03:04:22
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 15075710 E-mail/Text: GMFINANCIAL@EBN.PHINSOLUTIONS.COM Jan 14 2020 02:59:42
 AmeriCredit Financial Services, Inc., dba GM Financial, P O Box 183853, Arlington, TX 76096
 15064726 +E-mail/Text: mnapoletano@ars-llc.biz Jan 14 2020 03:00:50 Ability Recovery Servi,
 Pob 4031, Wyoming, PA 18644-0031
 15087934 +E-mail/Text: bankruptcy@cavps.com Jan 14 2020 03:00:33 Cavalry SPV I, LLC,
 500 Summit Lake Drive, Ste 400, Valhalla, NY 10595-2321
 15064733 +E-mail/Text: convergent@ebn.phinsolutions.com Jan 14 2020 03:00:37 Convergent Outsourcing,
 800 SW 39th Street, Renton, WA 98057-4927
 15064735 +E-mail/Text: bdsupport@creditmanagementcompany.com Jan 14 2020 03:00:37 Crdmgmcomp,
 2121 Noblestown Rd, Pittsburgh, PA 15205-3956
 15064736 +E-mail/Text: bankruptcy.bnc@ditech.com Jan 14 2020 02:59:43 Ditech Financial Llc,
 Po Box 6172, Rapid City, SD 57709-6172
 15064737 +E-mail/Text: GMFINANCIAL@EBN.PHINSOLUTIONS.COM Jan 14 2020 02:59:42 Gm Financial,
 Po Box 181145, Arlington, TX 76096-1145
 15089599 E-mail/PDF: resurgentbknotifications@resurgent.com Jan 14 2020 03:03:57 LVNV Funding, LLC,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 15064741 +E-mail/Text: Bankruptcies@nragroup.com Jan 14 2020 03:00:56 National Recovery Agen,
 2491 Paxton Street, Harrisburg, PA 17111-1036
 15104860 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jan 14 2020 03:03:52
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
 15071405 E-mail/Text: RVSVCBICNOTICE1@state.pa.us Jan 14 2020 03:00:04
 Pennsylvania Department of Revenue, Bankruptcy Division, PO Box 280946, Harrisburg PA 17128-0946
 15064745 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jan 14 2020 03:03:52
 Portfolio Recov Assoc, 120 Corporate Blvd Ste 100, Norfolk, VA 23502-4952
 15065385 +E-mail/PDF: gecsed@recoverycorp.com Jan 14 2020 03:04:47 Synchrony Bank,
 c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 15098842 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Jan 14 2020 03:27:09 Verizon,
 by American InfoSource as agent, PO Box 4457, Houston, TX 77210-4457
 15064749 +E-mail/Text: wfmelectronicbankruptcyntifications@verizonwireless.com Jan 14 2020 02:59:26
 Verizon Wireless, Po Box 650051, Dallas, TX 75265-0051

TOTAL: 16

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr DITECH FINANCIAL LLC
 cr Specialized Loan Servicing, LLC as Servicer for Wi

District/off: 0315-7

User: llea
Form ID: pdf900

Page 2 of 2
Total Noticed: 38

Date Rcvd: Jan 13, 2020

15064742 ##+Penn Credit Corporatio, 916 S 14th St, Harrisburg, PA 17104-3425

TOTALS: 2, * 0, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jan 15, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 13, 2020 at the address(es) listed below:

James Warmbrodt on behalf of Creditor DITECH FINANCIAL LLC bkgroup@kmlawgroup.com
Kenneth P. Seitz on behalf of Joint Debtor Melody S Clark thedebterasers@aol.com
Kenneth P. Seitz on behalf of Debtor Adam B Clark thedebterasers@aol.com
Keri P. Ebeck on behalf of Creditor Specialized Loan Servicing, LLC as Servicer for
Wilmington Savings Fund Society, FSB, DBA Christina Trust, not in its Individual Capacity, but
Solely in its Capacity as Owner Trustee for WF 19 Grantor T kebeck@bernsteinlaw.com,
jbluemle@bernsteinlaw.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 6